

1983 - SOUTHERN

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

~~Southern~~ for the
~~Hattiesburg~~ District of MISSISSIPPI
~~Hattiesburg~~ Division

Case No.

5:23-cv-31 DCB-LGI

(to be filled in by the Clerk's Office)

Bruce Calvin McCoy

Plaintiff(s)

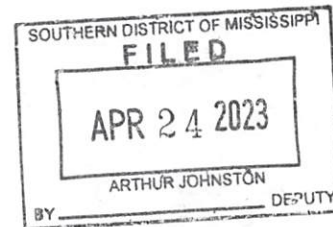
(Write the full name of each plaintiff who is filing this complaint.
 If the names of all the plaintiffs cannot fit in the space above,
 please write "see attached" in the space and attach an additional
 page with the full list of names.)

-v-

Mike Madison Taylor-Diane Jones

Defendant(s)

(Write the full name of each defendant who is being sued. If the
 names of all the defendants cannot fit in the space above, please
 write "see attached" in the space and attach an additional page
 with the full list of names. Do not include addresses here.)



COMPLAINT FOR VIOLATION OF CIVIL RIGHTS 42 US CA SECTION
 (Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Bruce Calvin Massey
 All other names by which
 you have been known: _____
 ID Number _____
 Current Institution 163316 SOUTH MISSISSIPPI
 Address CORRECTIONAL FACILITY-22692 Highway 463
Leakesville MS 39451 WEST
 City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Mike Madison Taylor
 Job or Title (*if known*) Trial Judge
 Shield Number NA
 Employer STATE OF MISSISSIPPI-Lincoln
 Address COUNTY
Brookhaven MS 39601
 City State Zip Code
☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name Diane X Jones
 Job or Title (*if known*) ASSISTANCE DISTRICT ATTORNEY
 Shield Number NA
 Employer STATE OF MISSISSIPPI-Lincoln
 Address COUNTY
Brookhaven MS 39601
 City State Zip Code
☐ Individual capacity ☒ Official capacity

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Defendant No. 3

Name GUS Sermas
 Job or Title (if known) ATTORNEY
 Shield Number NA
 Employer PUBLIC DEFENDER
 Address 301 South 1st Street
Brookhaven MS 39601
City State Zip Code
☒ Individual capacity ☐ Official capacity

Defendant No. 4

Name Circuit Judge David Strong JR
 Job or Title (if known) Circuit Court Judge
 Shield Number NA
 Employer _____
 Address STATE OF MISSISSIPPE
301 South First St - 39601
City State Zip Code
Brookhaven MS
☐ Individual capacity ☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim) Illegal Sentence

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Denied a Fair Trial in violation of the 6th amendment
Denied effective assistance of counsel in violation of the
6th amendment. Cruel and unusual punishment 8th amendment
Due Process of the 5th amendment
violation

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. Prisoner Status Trial Judge should have recused himself. ASSISTANCE
DISTRICT ATTORNEY should have recused herself for conflict
OF INTEREST IN VIOLATION canon 3 c(1)(a) judicial
conduct

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.
BRUCE CALVIN MCCOY PASSED A LETTER TO THE VICTIM
HE COMMITTED A CRIMINAL OFFENSE AGAINST PASSED THIS TO
KEN SUPER VISION WHO THEN SCREAMED WITH A LOUD OUTBURST
TWICE AT MCCOY TELLING HIM THAT HE WOULD BE SENTENCED
THIS CLAIM TOOK PLACE IN LINCOLN COUNTY TRIAL COURT, TO THE MAXIMUM
BROOKHAVEN, MS. MR. MCCOY COMMITTED AN ALLEGED CRIME
AGAINST THE COURT ADMINISTRATOR OF LINCOLN COUNTY
- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

NA

SEE ATTACHED EXHIBITS - A(1)
AFFIDAVITS (1)(2)

DEFENDANTS

Gus Sermos, THE ATTORNEY FOR BRUCE CALVIN MCLOY KNEW HE HAD COMMITTED A CRIMINAL OFFENSE AGAINST LAURIE CHASSON THE COURT ADMINISTRATOR, BUT SAID NOTHING. HE KNEW THAT SHE KNEW THE ASSISTANCE DISTRICT ATTORNEY AND WORKS IN THE SAME OFFICE WITH HER. HE ALSO KNEW SHE WOULD PROSECUTE HIM. ~~HE~~ GUS SERMOS ALSO KNEW THAT HER SUPERVISOR WAS THE CIRCUIT COURT JUDGE WHO WOULD SENTENCE HIM. HE ALSO KNEW THAT HE SHOULD HAVE FILE A MOTION TO RECUSE THE COURT ADMINISTRATOR, ASSISTANCE DISTRICT ATTORNEY AND ALSO THE TRIAL JUDGE BUT FAILED TO DO SO WHICH WAS INEFFECTIVE ASSISTANCE OF COUNSEL WHEN HE KNEW THAT IT WAS A VIOLATION OF CANON 3 C(1)(A) CODE OF JUDICIAL CONDUCT. GUS SERMOS KNEW IF ANY ONE WHO WAS GOING TO TRIAL HAD ALLEGEDLY COMMITTED A CRIMINAL OFFENSE ~~AGAINST~~ THE COURT ADMINISTRATOR WHO WORKS WITH THE ASSISTANCE DISTRICT ATTORNEY AND FOR THE TRIAL JUDGE WHO WOULD SENTENCE THEM WOULD CERTAINLY HAVE DOUBTS ABOUT HIS OR HER IMPARTIALITY.

CIRCUIT COURT JUDGE MIKE SMITH WHO SENTENCED BRUCE CALVIN MCLOY IS DECEASED SHOULD HAVE RECUSED HIMSELF CREATED A CONFLICT OF INTEREST BY PRESIDING OVER HIS CASE VIOLATION HIS FUNDAMENTAL CONSTITUTIONAL RIGHT OF DUE PROCESS AND A FAIR TRIAL VIOLATING HIS 6TH AMENDMENT RIGHT TO A FAIR TRIAL

- C. What date and approximate time did the events giving rise to your claim(s) occur?

ON Jan- 7th, 2005 - Illegal Sentence

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I COMMITTED A CRIMINAL OFFENSE AGAINST THE COURT ADMINISTRATOR WHO WORKS FOR THE Trial Judge WHO SENTENCE me TO THE maximum of (25) YEARS. DEFENSE ATTORNEY KNEW THIS FACT and Failed To Filed necessary motion -

- V. Injuries BRUCE CALVIN MCCOY WAS PROSECUTED BY THE ASSISTANCE DISTRICT ATTORNEY WHO WORKS WITH AND IN THE SAME OFFICE WITH THE ALLEGED VICTIM CREATING A CONFLICT OF INTEREST FOR HER SELF IN VIOLATION OF CANON 3 C(1)(a) JUDICIAL CONDUCT

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

NA

- VI. Relief Release me from this illegal sentence and pay me (100) million Dollars \$100,000,000 punitive damages

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

BRUCE CALVIN MCCOY received an illegal sentence which was cruel and unusual punishment a 8th amendment violation. BRUCE CALVIN MCCOY is seeking "100 million" Dollars "100,000,000" Trial Judge Mike Smith should not have presided over case, when he knew if anyone knew all the circumstances surrounding this case would harbor doubts about his impartiality. ASSISTANCE DISTRICT ATTORNEY knew her impartiality would be questioned knowing the circumstances

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

Lincoln County Jail - did not commit crime but pled guilty due to erroneous advice of attorney

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s). I was housed in The Lincoln County Jail on the charge of burglary and grand larceny and petit larceny - illegal arrest for an alleged crimes I did not commit.

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☒ No

☐ Do not know

- denied due process

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

denied due process

If yes, which claim(s)?

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

NA

2. What did you claim in your grievance?

NA

3. What was the result, if any?

NA

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

NA

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

The county Jail did not have a grievance committee.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any: I informed the Mississippi Supreme Court who held that it was a conflict of interest for the trial judges to sentence me and to preside over any of my petitions therefore giving me an illegal sentence, which is unconstitutional

These officials are now deceased. It's been (20) years

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. I did not file a grievance because there was no grievance committee and this was a criminal matter which involves a felony in the circuit court.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.) No Committee - I have exhibits from the Supreme Court granting recusal from request of all circuit court judges in the 14th judicial district signed by Chief Justice William L. Waller Jr

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

NA

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) _____

NA

Defendant(s) _____

NA

2. Court (if federal court, name the district; if state court, name the county and State)

NA

3. Docket or index number

NA

4. Name of Judge assigned to your case

NA

5. Approximate date of filing lawsuit

NA

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

NA

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

NA

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☐ Yes☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

NA

NA

2. Court (if federal court, name the district; if state court, name the county and State)

NA

3. Docket or index number

NA

4. Name of Judge assigned to your case

NA

5. Approximate date of filing lawsuit

NA

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

NA

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

Signature of Plaintiff

Bruce Calvin McCoy

Printed Name of Plaintiff

Bruce Calvin McCoy

Prison Identification #

63316

Prison Address

P.O. Box 1419

Leakesville MS 39601
City State Zip Code

B. For Attorneys

Date of signing: NA

Signature of Attorney

NA

Printed Name of Attorney

Bar Number

NA

Name of Law Firm

Address

_____ City State Zip Code

Telephone Number

NA

E-mail Address

CERTIFICATE OF SERVICE

I Bruce Calvin McCoy did mail a true and original copy of a 1987 petition to the U.S DISTRICT COURT ON THIS 6TH day of APRIL, 2023 by U.S FIRST CLASS PREPAID mail.

Bruce Calvin McCoy
PLAINTIFF #63316

Mailed To: DISTRICT COURT CLERK
245 STE 316
JACKSON, MS 39201

Mailed To: ATTORNEY GENERAL
P.O. BOX 220
JACKSON, MS 39201

STATE OF MISSISSIPPI
COUNTY OF Greene

SUBORN BEFORE ME, THIS _____ day of _____

NOTARY PUBLIC